

LEGISLATIVE DIGEST

[Health Code - Private Right of Action for Tourist Hotel Violations of Healthy Buildings Ordinance]

Ordinance amending the Health Code to authorize employees of tourist hotels, or the labor organizations that represent those employees, to file civil lawsuits against tourist hotels or operators for violations of certain cleaning and disease prevention standards and practices required in tourist hotels; and authorizing courts to impose appropriate legal and equitable relief, including civil penalties, against the defendants in any such lawsuits.

Existing Law

City law requires tourist hotels and large commercial office buildings to establish, implement, and maintain specific, written regular cleaning, disinfecting and disease prevention standards. For tourist hotels, City law applies several specific requirements for cleaning surfaces, items, furnishings, towels, linens, bedspreads, and restrooms. Existing City law also requires tourist hotels to install hand sanitizer dispensers in main entrances and exits and other high-contact public areas at the hotel. And existing law requires tourist hotels to remove a guest room from use for seven days or until the Department of Health confirms it is safe for re-use if the hotel has a reasonable basis to believe that a guest occupying the room had COVID-19 or another contagious or communicable disease.

The Department of Public Health may enforce these requirements, including by ordering the closure of a hotel and by filing a lawsuit for actual damages and punitive damages.

Amendments to Current Law

The proposed ordinance would authorize employees of tourist hotels, or the labor organizations that represent those employees, to file lawsuits against tourist hotels or operators for violations of these requirements. If the employee or labor organization prevails in such a lawsuit, the court could order appropriate injunctive relief, reasonable attorneys' fees and costs, and civil penalties against the hotel or operator. The court would have discretion over the amount of civil penalties based on a variety of factors including the number of times in the preceding two years a court has issued a judgment against the hotel or operator for violating the requirements summarized above.

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